

### **Amendments to the Claims**

This listing of claims will replace all prior versions, and listings, of claims in the application:

#### **Listing of Claims:**

1 (currently amended). A water fountain diverter device, connectable to the outlet of a faucet, for selectively directing water from a downward direction towards a sink to an upward direction for direct drinking by a user; said device comprising:

- a diverter body connectable to the faucet to be supported therefrom;
- a diverter body inlet disposed for receiving water from the faucet;
- a first outlet through which water can flow undiverted into the sink;
- a first fluid channel within said diverter body for directing water to said first outlet;
- a water fountain spout supported on said device, said spout having a second outlet configured to provide a stream of water in an upward direction suitable for direct drinking by the user, said spout comprising an outer sleeve and an inner sleeve, wherein said inner sleeve has an opening which is moveable by moving said inner sleeve to restrict the flow of water to said second outlet;
- a second fluid channel for directing water to said water fountain spout; and
- a diverter valve having a valve chamber in fluid communication with said body inlet and said first and second fluid channels, and having a valve member hand operable between a first position whereby the water flows undiverted to said first outlet, and a second position whereby the water flows to said water fountain spout, said valve member being biased towards said first position and having a face area against which the water pressure of said water flowing through said device acts on to hold said valve member in said second position once said valve is manually moved to said second position, said valve returning to said first position when said water to said device is stopped.

2 (canceled).

3 (original). The water fountain diverter device of claim 1 wherein said valve member is configured to be moveable within said valve chamber so as to allow water to pass through said valve chamber from said inlet to said first fluid channel when said valve member is in said first position while at the same time blocking water flow to said second fluid channel, and to allow water to pass through said valve chamber from said inlet to said second fluid channel when said valve member is in said second position while at the same time blocking water flow to said first fluid channel.

4 (currently amended). The water fountain diverter of claim 1 further comprising a restrictor ~~for restricting the flow of water to said spout orifice opening~~ positioned downstream of said valve to restrict the flow of water entering said spout.

5 (canceled).

6 (canceled).

7 (canceled).

8 (currently amended). The water fountain diverter device of claim ~~[[4]]~~ 1 wherein the amount of movement of said outer sleeve is adjustable by controlling the position of said inner sleeve relative to said outer sleeve to thereby control the amount of restriction of said flow of water to said second outlet ~~said restrictor is adjustable to adjustably control the flow of water.~~

9 (canceled).

10 (canceled).

11 (canceled).

12 (currently amended). The water fountain diverter device of claim 44 1 wherein said sleeve opening is positioned on a side wall of said inner sleeve ~~to~~ and cooperate with an outlet of said second fluid conduit to control the flow of water to the spout.

13 (currently amended). The water fountain diverter device of claim 44 1 wherein said sleeve opening is positioned on a bottom of said inner sleeve, said spout further comprising a seat member configured to close said sleeve opening, the flow of water to the spout being controlled by moving said inner sleeve with respect to said seat member.

14 (currently amended). The water fountain diverter device of claim 1 wherein said water fountain spout comprises an inlet in fluid communication with said second fluid channel, and ~~an outlet through which the water flows out of said device,~~ said spout ~~being~~ is mounted on a side of said diverter body.

15 (original). The water fountain diverter device of claim 1 wherein said second fluid channel comprises a fluid conduit external to the diverter body and the spout.

16 (currently amended). The water fountain diverter device of claim 44 1, wherein said inner sleeve ~~includes an opening~~ is positioned in a side of said inner sleeve and said second fluid ~~conduit~~ channel includes an outlet adjacent to said inner sleeve, said opening of said inner sleeve being rotatable relative to said second fluid ~~conduit~~ channel outlet so as to control the size of said outlet through which water can flow, thereby controlling the amount of water that can flow ~~there~~ through to from said spout.

17 (currently amended). The water fountain diverter device of claim 11 1, wherein said inner sleeve ~~includes an opening~~ is positioned in a bottom of said inner sleeve, said inner sleeve opening cooperating with a seat member within said spout capable of closing said inner sleeve opening to control the amount of water that can flow into said opening.

18 (original). The water fountain diverter device of claim 1, further comprising a flow restrictor disposed in said inlet.

19 (canceled).

20 (currently amended). A water fountain diverter device, connectable to the outlet of a faucet, for selectively directing water from a downward direction to an upward direction for direct drinking by a user; said device comprising:

- a diverter body connectable to the faucet to be supported therefrom;

- a diverter body inlet disposed for receiving water from the faucet;

- a first outlet through which water can flow undiverted;

- a first fluid channel within said diverter body for directing water to said first outlet;

- a water fountain spout supported on said device, said spout having a second outlet configured to provide a stream of water in an upward direction suitable for direct drinking by the user;

- a second fluid channel for directing water to said water fountain spout; and

- a diverter valve having a valve chamber in fluid communication with said body inlet and said first and second fluid channels, and having a valve member hand operable between a first position whereby the water flows undiverted to said first outlet, and a second position whereby the water flows to said water fountain spout, said valve member being biased towards said first position and having a face against which the water pressure of said water flowing through said device acts on to hold said valve member in said second position once said valve is manually moved to said second position;

an adjustable restrictor positioned in said spout for controlling the flow of water exiting from said second outlet; and

a second restrictor for lowering the water pressure of the water received from the faucet, said second restrictor comprising an orifice opening positioned between said valve chamber and said spout.

21 (canceled).

22 (original). The device of claim 1 wherein said diverter body comprises a swivel connector piece which permits the desired positioning of the device.

23 (currently amended). The device of claim 14 1 wherein said spout is mounted to be adjustably swivable relative to said diverter body.

24 (new). The water fountain diverter device of claim 1 wherein said outer sleeve has a bottom and said inner sleeve opening is positioned on a bottom of said inner sleeve, wherein the flow of water from the spout can be controlled by increasing or decreasing a distance between the inner sleeve opening and said bottom of said outer sleeve.

25 (new). A water fountain diverter device in accordance with claim 20 wherein said spout comprises an inner sleeve that is moveable to control the amount of restriction of said water flow from said second outlet.

26 (new). A water fountain diverter device in accordance with claim 25 wherein said spout further comprises an outer sleeve, said inner sleeve being moveable relative to said outer sleeve to control the amount of restriction of said water flow.

27 (new). A water fountain diverter device in accordance with claim 26 wherein said inner sleeve is rotatable and further comprises an opening which is

moveable upon rotation of said inner sleeve to control the amount of restriction of said water flow.

28 (new). A water fountain diverter device, connectable to the outlet of a faucet, for selectively directing water from a downward direction towards a sink to an upward direction for direct drinking by a user; said device comprising:

- a diverter body connectable to the faucet to be supported therefrom;
- a diverter body inlet disposed for receiving water from the faucet;
- a first outlet through which water can flow undiverted into the sink;
- a first fluid channel within said diverter body for directing water to said first outlet;

- a water fountain spout supported on said device, said spout having a second outlet configured to provide a stream of water in an upward direction suitable for direct drinking by the user, said spout comprising an adjustable restrictor for restricting the flow of water to said second outlet, said restrictor comprising a spout outer sleeve and a spout inner sleeve, said inner sleeve having an opening which is moveable relative to said outer sleeve to control the amount of restriction of said flow of water;

- a second fluid channel for directing water to said water fountain spout; and
- a diverter valve having a valve chamber in fluid communication with said body inlet and said first and second fluid channels, and having a valve member hand operable between a first position whereby the water flows undiverted to said first outlet, and a second position whereby the water flows to said water fountain spout.

29 (new). A water fountain device in accordance with claim 16 wherein said second fluid conduit outlet is formed in an inside wall of said spout outer sleeve.

30 (new). The water fountain diverter device of claim 28 wherein said outer sleeve has a bottom and said inner sleeve opening is positioned on a bottom of said inner sleeve, wherein the flow of water from the spout can be controlled by increasing or decreasing a distance between the inner sleeve opening and said

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bottom of said outer sleeve.

31 (new). The water fountain diverter device of claim 28 comprising a second restrictor for lowering the water pressure of the water flowing to said spout, said second restrictor comprising an orifice opening positioned between said valve chamber and said spout.